

S. 1499

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S.RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.Res. 140, a resolution designating the week beginning September 15, 2002, as "National Civic Participation Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. BURNS, Mr. JOHNSON, Mr. HOLLINGS, Mr. CLELAND, and Mr. WELLSTONE):

S. 1552. A bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001; to the Committee on Small Business and Entrepreneurship.

Mr. HARKIN. Mr. President, I rise today on behalf of Senator INHOFE, Senator BAUCUS, Senator BURNS, Senator JOHNSON, Senator HOLLINGS and myself, to introduce the General Aviation Assistance Act. This legislation would provide assistance in the form of Small Business Administration grants, helping to support an essential part of our aviation industry at a very critical time.

When many of the large passenger airlines were in trouble, we knew we had to act quickly to support this vital industry. When the planes were grounded following the September 11 attacks, many airlines were in a precarious position.

The situation in the general aviation industry is equally, if not more, precarious. And the services general aviation businesses provide are no less critical to our economy.

In Iowa and in many rural States, commercial service is very limited. Without general aviation, traveling by air means driving for hours to reach a small commercial airport that offers few flights, often at inconvenient times. That is not a workable situation for most businesses. Many could not locate to rural America without general aviation services.

The general aviation industry is made up of a number of small business. It operates at more than 5,300 public use airports nationwide, compared to the 650 airports in the nation that have

airline service. Ninety-two percent of the aircraft registered in the United States are general aviation aircraft. That includes charter businesses, crop dusters, the people who maintain small noncommercial airports and those that train future pilots. These businesses provide jobs for thousands of hard-working Americans and many cannot survive much longer without our help.

Our failure to support general aviation now would deal a severe blow to the rural economy. Unlike the commercial airlines, general aviation is made up largely of small businesses. Their ability to remain in business rests on their ability to fly. A very significant number of these businesses are in danger of not making it through the year without relief.

Over the past month, while visiting many of Iowa's airports to discuss airlines safety, I also met with a number of general aviation operators. For many small plane operators, flight restrictions lasted far longer than they did for the big airlines. Indeed, there are still some general aviation companies near large cities that are still closed today.

Last week, I spoke with Bill Kyle from Charles City, IA who is a small independent operator. From September 11 to September 22, he lost two thousand dollars a day. He is still losing \$800 dollars every day because his business is reduced at a similar rate to the reductions seen in commercial aviation. These are not the type of losses that a small business like Bill Kyle's can survive, not without some assistance.

The legislation we are introducing today will provide small general aviation businesses with grants to make up for their actual losses from September 11 through the end of the year. The program would be administered by the Small Business Administration which would make sure that the amount of assistance provided was fairly determined. Grants could be as much as \$6 million, although, of course, the vast majority would be far less.

We must act. This assistance could be the difference between a general aviation business taking off or being grounded permanently.

A number of my colleagues are working to assist small business to recover from this tragedy. I am sure that many have been hearing from their constituents about this issue. So, I am sure they know that few small businesses have been impacted as dramatically as the hard-working people in general aviation.

I am committed to getting general aviation back on track. It is important to these small businesses. It is important to the people they employ. And it is important to the rural economy as a whole. I ask my colleagues to join me in support of this legislation.

By Mr. HATCH:

S. 1553. A bill to amend the Internal Revenue Code of 1986 to allow a bonus

deduction for depreciable business assets; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to help stimulate the economy by creating a strong incentive for businesses to invest immediately in new productive assets.

Unfortunately, the evil acts of terrorists on September 11 did more than shatter lives, hopes and dreams and destroy or damage great buildings in New York and Washington. They also caused serious harm to our national, and even the world's economies.

While we do not yet know the full extent of the havoc brought to the U.S. economy by the calamities of September 11, practically all the experts agree that the damage will be significant. Few of them doubt that we are now in a recession. Moreover, many of the Nation's leading economists agree that the Congress and the President should move quickly to enact a package of tax cuts and other measures to stimulate the economy and try to prevent the downturn from becoming a long and deep one.

For this reason, the bipartisan leadership of Congress in both houses, along with the White House, have been meeting for weeks in an attempt to develop a consensus on what such an economic stimulus package should include. Last Friday, the Committee on Ways and Means of the House of Representatives approved an initial stimulus bill.

While it appears evident to me that it will be difficult for everyone in both parties and in both houses to agree on the proper content of the economic stimulus package, there are some guiding principles for the package on which most seem to agree. First, and almost by definition, the stimulus package should provide a strong incentive for players in the economy to take action they would not ordinarily take. Second, such an incentive should cause the desired action to occur quickly, when it will be of the most good to the economy. Finally, the stimulus should be temporary, and not cause a large long-term effect on the Federal budget, which could lead to an increase in interest rates.

It may be that there are many specific tax law changes that meet these guiding principles. Some have suggested another round of tax rebate checks, but designated only for those who were not able to participate in the advance tax cut Congress passed in May of this year. Others are proposing the acceleration of the income tax rate cuts that were included in that same tax bill that are presently scheduled to take effect in future years. Still others insist that the stimulus package include new spending on our infrastructure or relief to ailing industries and to displaced employees.

In the end, the economic stimulus package signed into law will probably contain a combination of several of these ideas. Our political process will

require us to reach some kind of consensus, which means some of this idea and some of that idea will have to be included.

Knowing that the stimulus package will be a collage of ideas, I believe it is important that it include a core provision that almost everyone seems to agree meets the criteria of true economic stimulus, a strong inducement for businesses to invest in productive assets. The purpose of the bill I introduce today is to put before the Senate a bold plan that I believe would accomplish this goal.

The Economic Stimulus Through Bonus Depreciation Act of 2001 would provide businesses throughout America a very strong, but short-term, incentive to purchase business assets and put them to work over the next few months. A strong and concentrated surge in capital spending by U.S. businesses would provide a tremendous shot in the arm to our economy, as present inventories become depleted and manufacturers scramble to keep up with the new demand.

Specifically, my bill would provide a 50-percent bonus depreciation deduction for business assets purchased after September 10, 2001, and before July 1, 2002, and placed in service before January 1, 2003. This means that businesses that want to take advantage of this strong incentive, which generally provides more than twice the first year deduction than is allowed under current law, would have to act quickly and order the new business assets by next June 30, and take delivery by next December 31.

For example, suppose a business needed a new delivery truck that cost \$50,000. Under current law, most trucks are considered 5-year property, and are generally depreciated over a 5-year period. If the business purchased the truck in 2002, the current-law depreciation deduction for the first year would be \$10,000. In other words, the business would be able to write off one-fifth of the cost of the truck in the year of purchase.

Under my bill, that same business would be allowed a 50-percent first-year depreciation deduction, rather than the 20 percent. So, instead of a deduction of \$10,000 in 2002, the business would be allowed to deduct \$25,000 of the cost of the truck in the first year. This is a significant difference, and it should be enough of a difference to change behavior when coupled with a short window of opportunity.

The short time frame is a key to the success of a stimulus promotion bill like this one. My bill would require that a business make a decision and enter into a contract to purchase a new asset by next June 30, and then take delivery on the property by December 31, 2002.

I will note that the economic stimulus bill approved by the House Ways and Means Committee last week includes a somewhat similar provision, one that provides for 30 percent extra

depreciation for certain business assets. However, that bill allows the purchaser to take almost 3 years to decide to buy a new asset, then allows another several months to place the property into service. With all respect to my colleagues on the Ways and Means Committee, I believe the window of opportunity for the enhanced deduction created by that bill is too long. It does not instill the sense of urgency that I believe is needed to truly create a significant stimulus.

It is important to note that my bill also applies to more types of business property than does the Ways and Means bill. The bill passed by the Ways and Means Committee would generally provide for an enhanced depreciation deduction for depreciable property with a recovery period of 20 years or less, except for leasehold improvements. The bill I am introducing today would apply to all types of depreciable property, including leasehold improvements and depreciable real estate.

As a practical matter, I realize that many real estate projects, as well as many larger build-to-order equipment projects, take longer than a year to build and place in service. However, it is also true that many larger and costly projects can be built within the time constraints of this bill, especially if there is a concerted attempt to do so. I believe that the short time frame of my bill would induce many companies to act much more quickly than they otherwise would, in order to get business assets ordered and built in time to qualify for the bonus depreciation. This is where the economic stimulus power of this bill comes into play. The more effort that is made to get real estate projects finished, or to get equipment ordered, delivered, and placed in service in time to meet the deadlines of this bill, the more economic stimulus is created.

Moreover, I believe this bill meets the three guiding principles I mentioned earlier. First, it provides a strong incentive for businesses to take stimulative action they would not otherwise take, in this case to purchase assets by June 30, 2002, in order to reap a significant tax savings. Second, because of the short deadline, this action will take place right away, when economic stimulus is really needed. Finally, the bill raises few risks of raising interest rates. Depreciation is a form of cost recovery over a period of time. Because our tax code allows the cost of assets to be recovered over time, a speed-up of the time of recovery has few long-term costs to the Federal budget. So, allowing businesses to write off a larger portion of the cost of assets for a short time period has a negative effect on the Treasury in the first two or three years, but begins to reverse itself afterward. Thus, much of the early year costs of my bill will be fully reversed within the 10-year budget window.

President Bush has indicated his support for the inclusion in the economic

stimulus package of an enhanced depreciation provision. A number of Democrats and Republicans have also spoken out in support of this idea. And, as I mentioned, the Ways and Means Committee included a version of bonus depreciation in the bill it passed last week. Bonus depreciation is a solid economic stimulus idea. In crafting a consensus package, I urge my colleagues to include a depreciation provision that packs a punch by offering the promise of a large deduction for actions taken in a relatively short time frame. I believe the legislation I introduce today fits the bill nicely, and I urge its consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Stimulus Through Bonus Depreciation Act of 2001".

SEC. 2. BONUS DEPRECIATION ALLOWANCE FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

“(k) BONUS ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—

“(1) IN GENERAL.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall be an amount equal to 50 percent of the adjusted basis of the qualified property, and

“(B) subject to paragraph (2), the amount otherwise allowable as a depreciation deduction under this chapter for any subsequent taxable year shall be computed in the same manner as if this subsection had not been enacted.

“(2) ADJUSTED BASIS.—The aggregate deduction allowed under this section for taxable years described in paragraph (1)(B) with respect to any qualified property shall not exceed the adjusted basis of such property reduced by the amount of the deduction allowed under paragraph (1)(A).

“(3) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i) to which this section applies, or

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(ii) the original use of which commences with the taxpayer on or after September 11, 2001,

“(iii) which is—

“(I) acquired by the taxpayer on or after September 11, 2001, and before July 1, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after September 11, 2001, and before July 1, 2002, and

“(iv) which is placed in service by the taxpayer before January 1, 2003.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term ‘qualified property’ shall not include any repaired or reconstructed property.

“(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer’s own use, the requirements of clause (ii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on or after September 11, 2001, and before January 1, 2003.

“(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(i), if property—

“(I) is originally placed in service on or after September 11, 2001, by a person, and

“(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back referred to in subclause (II).

“(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified equipment, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i), and decrease each other limitation under subparagraphs (A) and (B) of section 280F(a)(1), to appropriately reflect the amount of the deduction allowable under paragraph (1).

“(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

“(4) APPLICABLE CONVENTION.—Subsection (d)(3) shall not apply in determining the applicable convention with respect to qualified property.”

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following:

“(iii) ADDITIONAL ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—The deduction under section 168(k) shall be allowed.”

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) of such Code is amended by inserting “or (iii)” after “(ii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after September 11, 2001, in taxable years ending on or after such date.

By Mrs. FEINSTEIN (for herself,
Mr. LEAHY, and Mr. AKAKA):

S. 1555. A bill to express the policy of the United States with respect to the adherence by the United States to

global standards in the transfer of small arms and light weapons and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Security and Fair Enforcement in Arms Trafficking Act of 2001, cosponsored by Senators LEAHY and AKAKA.

Small arms and light weapons, such as assault rifles, machine guns, grenades, and portable launchers of anti-aircraft missile systems, are the weapons of choice for terrorists and their friends, and I fully believe that U.S. leadership is needed to stem the global torrent of illicit arms. All too often these arms fall into the hands of terrorists, drug cartels, and violent rebellions. Curbing the proliferation of these weapons must be a vital component of our efforts to combat international terrorism.

The rise of the Taliban in Afghanistan, in fact, is due in no small part to the ready availability of these weapons in that war torn country, and Afghanistan clearly demonstrates how a country can become a threat to regional and global security if it is flooded with small arms and light weapons. The Taliban and the al Qaeda network were able to gather more than 10 million small arms and light weapons from a variety of sources over the past decade, including AK-47s, hand grenades, and Stinger missiles. Today the United States and its allies are faced with these very weapons as we move forward with Operation Enduring Freedom.

The global networks of terrorism are clearly linked to the networks of the illicit arms trade and to the states that harbor terrorists, and terrorists around the globe also utilize the intertwined global networks of the illegal arms trade and the drug trade to generate financial resources for their destructive and threatening activities.

As I have previously discussed on the floor, the global proliferation of small arms and light weapons is a staggering problem.

An estimated 500 million illicit small arms and light weapons are in circulation around the globe.

In the past decade, an estimated 4 million people have been killed in civil war and bloody fighting. Nine out of ten of these deaths are attributed to small arms and light weapons.

The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Kosovo, among others, as well as the violence endemic to narco-trafficking.

The increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to U.S. forces overseas. For the United States, as we now engage in the war on terrorism, this issue is a very real force protection issue.

The conflicts fueled by small arms and light weapons undermine regional

stability and endanger the spread of democracy and free markets around the world.

Clearly this is a huge problem, with profound implications for U.S. security interests.

I strongly believe that the U.S. Government must take the lead in the international community in addressing this issue. It is in the United States national interest to promote responsibility and restraint in the transfer of small arms and light weapons; to combat irresponsible practices in such transfers, to ensure that nations engaged in substandard practices are held accountable; to encourage other members of the international community to meet, as minimum standards U.S. law and practices; take strong action to negotiate and support making the trafficking of small arms traceable; bolster rules governing arms brokers; and eliminate the secrecy that permits millions of these weapons to circulate illicitly around the globe, fueling crime and war.

As a matter of fact, as a major supplier country in the legal arms trade, the United States has a special obligation to promote responsible practices in the transfer of these weapons.

That is what the Security and Fair Enforcement in Arms Trafficking Act of 2001 aims to do. It: Affirms U.S. policy to maintain the highest standards for the management and transfer of small arms and light weapons exports, and that it is U.S. policy to refrain from exports that could be used in internal repression, human rights abuses and international aggression; enforces the ban in international commercial transfers of military-style assault weapons and, improves end-use monitoring of U.S. arms transfers; urges the administration to enter into negotiations with the European Union and NATO member states, as well as other members of the international community to bring our allies into compliance with U.S. law and standards for the export and transfer of military-style assault weapons as well as on such critical issues as marking and tracing of small arms and light weapons, rules governing the conduct of arms brokers, and the enforcement of arms embargoes; calls on the administration to establish a U.S.-EU Coordinating Group on Small Arms, and to work to and implement and advance the Program of Action of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; improves the transparency of U.S. transfers in small arms and light weapons, and requires the establishment of a registry of all U.S. firearm exports; and, encourages all states that have not done so to ratify the OAS convention on small arms and light weapons.

And let me be clear: This legislation does not interfere with legitimate and responsible transfers of small arms or the lawful ownership and use of guns in the United States.

The United States needs to push hard to improve the international standards and the application of legally binding agreements to stem the illicit trade in these weapons. Fighting the proliferation of small arms is critical to our efforts to combat terrorism, narco-trafficking, international organized crime, regional and local war.

I believe that combating the proliferation of small arms and light weapons is a critical element of the fight against terrorism, and I look forward to working with my colleagues in the Senate and with the administration to pass the Security and Fair Enforcement in Arms Trafficking Act of 2001.

By Ms. STABENOW (for herself, Mr. KYL, Mrs. CLINTON, Mr. SCHUMER, Mr. ALLEN, Mr. WARNER, Ms. MIKULSKI, Mrs. BOXER, Mr. DAYTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mrs. CARNAHAN, Mr. NICKLES, Mr. LEVIN, Mr. CORZINE, Mr. KENNEDY, Mr. JOHNSON, Mr. DORGAN, and Mr. DURBIN):

S. 1556. A bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, we all witnessed a great national tragedy on September 11. While the deaths and damage occurred in New York, Washington, and the fields of Pennsylvania, a piece of all of us died that day.

Many people came up to me in the weeks after the attack and asked: "What can I do? I've given blood. I've donated to relief efforts. But I want to do more."

We all shared in the horror. Now everyone wants to share in the healing.

But how?

Then a constituent of mine, Bob Van Oosterhout, wrote me with an idea. Why not have the Federal Government devise a program that would encourage communities throughout the Nation to create something that would honor the memory of one of the victims lost in the attack? Together these local memorials to honor individuals would dot our Nation and collectively honor all those lost in the attack.

What could be simpler? Or more moving?

From that idea came the Unity in the Spirit of America Act, which I am introducing today along with my distinguished colleague Senator KYL.

Here's how it would work: Communities, it could be as small as a neighborhood block, or nonprofit organizations, houses of worship, businesses, or local governments would choose some kind of project that would unite them and their community.

Applications and the assigning of names for each project will be handled by the Thousand Points of Light Foundation in conjunction with the Cor-

poration for National Service. Once the bill has passed, applications and procedures will be posted on the foundation's web page.

In the meantime, I urge people to meet with their neighbors, or coworkers, or fellow church members to start identifying projects that would make fitting memorials to the victims of the attack of September 11.

It could be cleaning or creating a park, adopting a school and mentoring students, creating a meals program for the homeless, or just about anything that would do honor to the memories of those who died on September 11.

The Thousand Points of Light Foundation will track each project's progress on their web page.

The only rule would be that qualified projects should be started by September 11, 2002.

Then on that day—as all over America we gather to grieve over the first anniversary of the attack that enraged the world—we'll also be able to look over thousands and thousands of selfless acts that made our world better.

In our sadness, we can create 6,000 points of life across our Nation. And we will show the world that our resolve was not fleeting, or our memories not short.

They will see Unity in the Spirit of America.

And what could bring more fitting honor to all those innocents we lost.

I am also pleased that this bipartisan legislation enjoys the support of the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, and the Senators from Virginia, Senators WARNER and ALLEN.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unity in Service to America Act" or the "USA Act".

SEC. 2. PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.

The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"SEC. 401. PROJECTS.

"(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) IDENTIFICATION OF PROJECTS.—

"(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) IDENTIFIED PROJECTS.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

"(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects."

By Mr. SANTORUM (for himself and Mr. VOINOVICH):

S. 1558. A bill to provide for the issuance of certificates to social security beneficiaries guaranteeing their right to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I am pleased to join with my colleague, Senator GEORGE VOINOVICH of Ohio, in introducing the Social Security Benefits Guarantee Act, legislation aimed at conferring upon current Social Security beneficiaries an explicit property right to their benefits.

As the President's Commission to Strengthen Social Security and Congress continue to consider options about how best to put our most vital social program on sound financial footing, it is increasingly important to assure today's beneficiaries that they are not going to be adversely affected by any reform proposal that Congress may ultimately enact into law.

Although reasonable people can disagree about how best to restore Social Security to a path of long-term solvency, philosophical or political leanings should not obstruct us from meeting our moral obligation to preserve and protect the benefits of current beneficiaries.

Both basic fairness and practicality dictate that individuals and families who are currently receiving Social Security benefits should not be expected to adapt to any of the steps necessary to shore up Social Security's long-range financial health. Indeed, President Bush outlined as his very first

principle in the creation of the present Commission that "Modernization must not change Social Security benefits for retirees or near-retirees."

No matter what reform plan Congress may consider, one of the more productive interim steps we can undertake is to create an environment where constructive, bipartisan policy options can be pursued. Toward this end, I believe that it is important to remove the "demagoguery factor" from the Social Security reform discussion by ensuring seniors that they receive every cent that the government has promised them, including an accurate annual cost-of-living increase. That is why we are introducing the Social Security Benefits Guarantee Act today.

Unfortunately, current law affords no such protection for our nation's elderly. In the Supreme Court's 1960 decision *Flemming v. Nestor*, 363 U.S. 603, the Court held that Americans have no property right to their Social Security benefits, and that Congress has the power to change Social Security benefits at any time. One unfortunate by-product of this case law is that current beneficiaries have fallen victim to scare tactics from politicians, interest groups and others stating or implying that sustainable long-term Social Security reform will lead to a reduction or endangerment of their benefits.

Social Security reform is too important to working Americans to allow short-term political demagoguery to drown out serious bipartisan efforts to put our most vital social program on sound fiscal and actuarial footing. By passing an explicit property right to Social Security benefits for those eligible for and receiving benefits, Congress can assure seniors that their benefits will be protected and focus the reform discussion on the future, where it belongs, and how we can best preserve Social Security's financial dependence at a cost that future generations can bear.

In closing, it is my sincere hope that our colleagues will join Senator VOINOVICH and me in supporting this commonsense legislation to provide America's seniors peace of mind during the inevitable policy challenges that lie ahead for Social Security's financing.

I again thank Senator VOINOVICH for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Social Security Benefits Guarantee Act of 2001".

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue a benefit guarantee certificate to each indi-

vidual who is determined by the Commissioner of Social Security as of the date of the issuance of the certificate to be entitled to benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.). The Secretary shall also issue such a certificate to any individual on the date such individual is determined thereafter to be entitled to benefits under such title.

(b) BENEFIT GUARANTEE CERTIFICATE.—The benefit guarantee certificate issued pursuant to subsection (a) shall represent a legally enforceable guarantee—

(1) of the timely payment of the full amount of future benefit payments to which the individual is entitled under title II of the Social Security Act (as determined under such title as in effect on the date of the issuance of the certificate); and

(2) that the benefits will be adjusted thereafter not less frequently than annually to the extent prescribed in provisions of such title (as in effect on the date of the issuance of the certificate) providing for accurate adjustments based on indices reflecting changes in consumer prices as determined by the Bureau of Labor Statistics or changes in wages as determined by the Commissioner of Social Security.

(c) OBLIGATION TO PROVIDE PAYMENTS AS GUARANTEED.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in amounts in accordance with the guarantee set forth in the certificate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY THE WORDS "GOD BLESS AMERICA" AS AN EXPRESSION OF SUPPORT FOR THE NATION

Mr. THURMOND submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is consistent with the Constitution for public schools to display the words "God Bless America" as an expression of support for the Nation.

Mr. THURMOND. Mr. President, I rise today to introduce a resolution that would demonstrate the support of Congress for the renewed public patriotism in our country. It would express the sense of the Congress that public schools should be free to post the phrase "God Bless America" without the misguided fear that it is illegal and violates the Constitution.

In response to the terrorist attacks of September 11, the patriotism of the American people can be seen everywhere. The American flag is being flown all across our country, from homes and cars to schools and playing fields. Patriotic songs are being sung with a renewed enthusiasm at all public places.

One such patriotic song is "God Bless America," which was written during World War I and became part of American life. Members of Congress spontaneously sang it on the steps of the Capitol the night of the attacks, and it has been played countless times across the country in recent weeks.

The outpouring of unity and love that our Nation has expressed is inspiring. It is truly a fitting response to the terrorists. After all, their goal was to tear us apart, but what they have actually done is bring us together.

One small expression of unity came from Breen Elementary School in Rocklin, California, which posted the phrase "God Bless America" on a marquee in front of the school.

Given the patriotism all across our country, this small expression of resolve would not seem to be newsworthy. After all, these words are part of the history and fabric of our country. These words demonstrate the spirit of America.

Unfortunately, there are a few who do not agree, and do not support Breen Elementary's display of patriotism. The American Civil Liberties Union has demanded that the school remove the slogan, saying that the school is clearly violating the Constitution. It even referred to the display of "God Bless America" as "hurtful" and "divisive."

To say that "God Bless America" is "hurtful" and "divisive" is absolutely ridiculous. The phrase is also in no way unconstitutional. I have disagreed with the ACLU many times over the years, but their response here is even hard for me to believe. It simply wrong for the ACLU to try to bully this school into supporting its extreme interpretation of the Constitution.

Fortunately, the school is not intimidated. Rocklin Unified School District Superintendent Kevin Brown has made it plain that the school is standing firm in its decision to keep "God Bless America" posted. It is a decision that is principled, appropriate, and entirely in keeping with the Constitution. We all should be proud of the school for taking this courageous stand.

Simply put, the ACLU has no support in the law for its position. While there does not appear to be any Federal cases ruling on the phrase "God Bless America," various challenges have been made to a similar slogan, "In God We Trust." The Ninth Circuit Court of Appeals, arguably the most liberal federal appeals court, held in *Aronow v. United States* that the use of this phrase on currency and as the national motto does not violate the establishment clause of the Constitution. The court said, "Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise." It also said that "it is quite obvious" that the phrase "has nothing whatsoever to do with the establishment of religion."

While the ninth circuit is the most relevant here because the school is located in California, other circuit courts